

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

G., PARENT AND NEXT FRIEND OF)	Civ. No. 08-00551 ACK-BMK
K., A DISABLED CHILD, ET AL.,)	Civ. No. 09-00044 ACK-BMK
)	(Consolidated)
Plaintiffs,)	
)	
vs.)	
)	
STATE OF HAWAII, DEPARTMENT OF)	
HUMAN SERVICES, ET AL.,)	
)	
Defendants.)	
_____)	
)	
G., PARENT AND NEXT FRIEND OF)	
K., A DISABLED CHILD, ET AL.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
UNITED STATES DEPARTMENT OF)	
HEALTH AND HUMAN SERVICES, ET)	
AL.,)	
)	
Defendants.)	
_____)	

ORDER CONTINUING THE DECEMBER 7, 2009, HEARING ON MOTIONS FOR
SUMMARY JUDGMENT TO DECEMBER 14, 2009, AND SETTING BRIEFING
DEADLINES

On October 14, 2009, three motions for summary judgment were filed in the action against the Federal Defendants. One motion was filed by the Federal Defendants ("Federal Defendants' Motion for Summary Judgment"), and the other two motions were filed by Plaintiffs (respectively, "Plaintiffs' General Motion for Summary Judgment" and "Plaintiffs' Tax Motion for Summary

Judgment"). The hearing on these three motions for summary judgment was set for December 7, 2009.

On October 23, 2009, the State Defendants filed a motion for summary judgment ("State Defendants' General Motion for Summary Judgment"). The hearing on the motion is set for December 14, 2009.

On November 13, 2009, the State Defendants filed another motion for summary judgment ("State Defendants' License Motion for Summary Judgment"). The hearing on the motion is set for December 14, 2009.

On November 17, 2009, Plaintiffs filed two motions for summary judgment (respectively, "Plaintiffs' Solvency Motion for Summary Judgment" and "Plaintiffs' WellCare Motion for Summary Judgment").

The hearings were up to this point scheduled so that the motions for summary judgment in the action against the Federal Defendants would be heard on December 7, 2009, and the motions for summary judgment in the action against the State Defendants would be heard on December 14, 2009.

Since some of the motions present issues pertaining to both the Federal Defendants and the State Defendants, the Court finds that it would serve judicial economy to hear all motions at the same time. Consequently, the Court will continue the hearing on the Federal Defendants' Motion for Summary Judgment,

Plaintiffs' General Motion for Summary Judgment, and Plaintiffs' Tax Motion for Summary Judgment from December 7, 2009, to December 14, 2009. However, the parties' replies as to those three motions shall remain due by November 25, 2009.

The Court will also set the hearing on Plaintiffs' Solvency Motion for Summary Judgment and Plaintiffs' WellCare Motion for Summary Judgment for December 14, 2009. The Court finds that good cause exists to shorten time on the normal twenty-eight-day hearing schedule for those two motions because they are responsive to, and should thus be decided in conjunction with, motions that are scheduled to be heard on December 14, 2009. See D. Haw. Local R. 7.2(a) (2002).^{1/} Any oppositions to Plaintiffs' Solvency Motion for Summary Judgment and Plaintiffs' WellCare Motion for Summary Judgment shall be due by December 1, 2009. Any replies as to those motions shall be due by December 7, 2009.

On November 20, 2009, the Federal Defendants filed a motion to strike as untimely Plaintiffs' Solvency Motion for Summary Judgment and Plaintiffs' WellCare Motion for Summary Judgment insofar as those motions are asserted against the Federal Defendants ("Federal Defendants' Motion to Strike"). The

^{1/} The hearing and briefing schedule in this matter are governed by the Local Rules that were in effect prior to the November 18, 2009, amendment. That amendment does not take effect until December 1, 2009.

Court is inclined to grant the motion to strike. Any oppositions to the Federal Defendants' Motion to Strike shall be filed by November 23, 2009.

Finally, the Court notes that any oppositions as to the State Defendants' General Motion for Summary Judgment and the State Defendants' License Motion for Summary Judgment shall remain due by November 25, 2009. Any replies as to those motions shall remain due by December 3, 2009.

In accordance with the foregoing, the Court:

- (1) CONTINUES the hearing on the Federal Defendants' Motion for Summary Judgment, Plaintiffs' General Motion for Summary Judgment, and Plaintiffs' Tax Motion for Summary Judgment from December 7, 2009, to December 14, 2009;
- (2) DIRECTS that the parties' replies as to the Federal Defendants' Motion for Summary Judgment, Plaintiffs' General Motion for Summary Judgment, and Plaintiffs' Tax Motion for Summary Judgment shall remain due by November 25, 2009;
- (3) SETS the hearing on Plaintiffs' Solvency Motion for Summary Judgment and Plaintiffs' WellCare Motion for Summary Judgment for December 14, 2009;
- (4) DIRECTS that any oppositions to Plaintiffs' Solvency Motion for Summary Judgment and Plaintiffs' WellCare Motion for Summary Judgment shall be due by December 1, 2009;
- (5) DIRECTS that any replies as to Plaintiffs' Solvency Motion for Summary Judgment and Plaintiffs' WellCare Motion

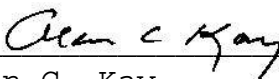
for Summary Judgment shall be due by December 7, 2009;

- (6) Any oppositions to the Federal Defendants' Motion to Strike shall be filed by November 23, 2009;
- (7) DIRECTS that any oppositions as to the State Defendants' General Motion for Summary Judgment and the State Defendants' License Motion for Summary Judgment shall remain due by November 25, 2009; and
- (8) DIRECTS that any replies as to the State Defendants' General Motion for Summary Judgment and the State Defendants' License Motion for Summary Judgment shall remain due by December 3, 2009.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, November 20, 2009.





Alan C. Kay
Sr. United States District Judge

G. v. Hawai'i, Dep't of Human Servs., Civ. Nos. 08-00551 ACK-BMK & 09-00044
ACK-BMK: Order Continuing the December 7, 2009, Hearing on Motions for
Summary Judgment to December 14, 2009, and Setting Briefing Deadlines